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Restorative Resources: A New Theory in Juvenile Offender Control ~ Examining the Successes of Restorative Resources in Sonoma County and the Impact it Had on One Police Sergeant's Journey

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Restorative Resources: A New Theory in Juvenile Offender Control ~ Examining the Successes of Restorative Resources in Sonoma County & The Impact it Had on One Police Sergeant's Journey

From an early age, I have always been fascinated by the law. I absorbed television police dramas from Dragnet and Adam-12 to NYPD Blue and The Wire. I read a genre of detective novels affectionately referred to as “slasher books.” I followed high-profile crimes in the newspaper. Whether it was the uniform or the concept of “good vs. evil,” I always knew law enforcement was my calling. The pomp and circumstance of a criminal investigation always invigorated my senses. A criminal is held accountable for actions committed, and justice descends on its intended target.

After I reached my goal of becoming a police officer, I found myself hunting with a shark-in-the-water mentality, always on the move, looking for the next opportunity to arrest the offender. Nothing was more satisfying than bringing a criminal to justice. During my fifty years, I have consistently been drawn to the legal profession. I studied criminal justice in college. I put myself through a basic police academy in Santa Rosa. I graduated from law school, earning a Juris Doctorate degree. I worked for the Sonoma Police Department for six years, and I currently work as a sworn peace officer for the Cloverdale Police Department. I have arrested hundreds of juvenile offenders for a myriad of criminal offenses. Throughout my thirteen-year career, my philosophy related to juvenile criminal activity has changed. I have learned that the juvenile justice system is wholly inadequate to undertake the massive responsibility of changing a juvenile offender's behavior. Over time, I have changed my thought process from a stat-driven arrest machine with results that looked impressive on paper to an officer with a broader community-based approach. I now focus not only on the juveniles' crime but on the underlying motivations through restorative conferences. I actively participate in those conferences with knowledge cultivated over my career.

My work ethic has served me well as a police officer. I made a commitment to myself that I would make full use of each ten-hour shift. When I worked in Sonoma, I noticed a consistent congregation of juveniles in Plaza Park, located in the hub of the city. The park was a haven to tourists, families, and, of course, juvenile offenders.

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Daily I gathered my binoculars and my key to City Hall, parked my marked patrol vehicle in an inconspicuous place, and sneaked through the park. Inside the building, I located the perfect hiding spot to afford me a view of the rose garden area of the park, and I conducted surveillance of the juveniles gathered. Routinely, I observed juveniles engaged in criminal activity. I witnessed a spectrum of crimes, including, but not limited to, illicit drug transactions, alcoholic beverage consumption, vandalism, and assaults with weapons. I acted on almost every crime I observed, leaving my hiding spot and swooping down to arrest the juvenile offenders. Early in my career I never stopped to question what caused juvenile to offend or how to prevent juveniles from re-offending. To my detriment, I was solely focused on the arrest.

Several years into my tenure with the Sonoma Police Department, our Youth & Family Services Coordinator, Karen Cahill, approached me to discuss one of my recent juvenile arrests. I had arrested a juvenile for spray-painting graffiti on the outside walls of a mortuary. The damage to the mortuary was estimated to be thousands of dollars. In addition, the owners felt humiliated by the tagging because the mortuary was located on a main thoroughfare. Ms. Cahill asked whether I would be willing to participate in a new program involving restorative justice. Ms. Cahill explained that my criminal case would first be heard in a “restorative conference.” Ms. Cahill told me my case would be the first restorative conference held in Sonoma County. According to Ms. Cahill, a new non-profit organization, Restorative Resources, would facilitate the conference.

I had never heard of a restorative conference. Initially, I was skeptical. My experience with juveniles involved a pre-packaged arrangement including arrest, booking, juvenile hall, court, probation. I actively participated in and fed the revolving-door juvenile justice system. I put juvenile offenders in the system; the court regurgitated juvenile offenders out of the system. Go to the freezer, get the box. Ms. Cahill requested I research the restorative justice program on my own. Although I was open to Ms. Cahill’s request, I was confident in my understanding juvenile offenders.

I have observed countless causes of juveniles’ offending during my career. I have seen juveniles affected by factors of peer influences, family influences, race/ethnicity, self-esteem, child sexual and physical abuse, and delinquency. I knew there is no one specific factor associated with juvenile offenders. In fact, in my experience, several factors combine to generate abhorrent behavior in juveniles, ranging from peer pressure to the seminal experience of a childhood trauma, especially child abuse, either of a physical or sexual nature.

In 2002, authors Vitaro, Brendgen, and Tremblay supported the theory that spending time with deviant friends exerts a great deal of pressure on a young person to adopt the same behaviors (p. 316). Even though this may be true, the authors also suggest that the presence of even one non-deviant friend may be able to mitigate some of the influence from friends who engage in deviant behavior. Each individual brings unique norms and values, and the friendship is unique in that respect. The authors stated, “However, deviant peers also amplified the link between disruptive behaviors and later delinquency for early starters” (p. 316). I recognized this as a consistent pattern amongst the youth with whom I engaged.

Bob Fellmeth of the Children’s Advocacy Institute (1996-97) noted that youth crime correlates with poverty, unemployment, and hopelessness; incidents of child abuse; availability of guns, drugs, and alcohol; media glorification of macho violence and avoidance of its real life consequences; and the absence of involved fathers in homes. Although Sonoma, its vintage reputation for all things wine, was considered a relative safe haven by comparison, many of Mr. Fellmeth’s characteristics were traits I noticed in the vast majority of youthful offenders.

I had treated juvenile and adult arrests similarly. In each instance, I made the arrest and documented the criminal activity consistently, regardless of age. Of course, I followed the mandatory juvenile criminal procedures, but my thought process remained constant. However, as I matured as a police officer, I quickly came to learn that California’s juvenile justice system is different from the state’s adult justice system. Citizens from all levels of society recognize that many juveniles need to be treated differently from adults. Generally, the juvenile system emphasizes treatment and rehabilitation, while the adult system concentrates on punishment of offenders. The juvenile justice system also consists of a large number of non-law enforcement agencies. Social services agencies, schools, and community-based organizations all provide services to both juveniles “at-risk” of committing crimes and to juveniles who have committed crimes.

Despite this knowledge, I had a difficult time believing that juvenile offenders would benefit from a diversion program. My entire approach to juvenile offenders had been to introduce them to the harsh criminal justice system. However, I soon learned that restorative justice is a community-based approach to dealing with crime that helps youthful offenders to take responsibility for their actions, repair harm caused to victims and the community, and address the underlying issues that led to the crime. According to

Restorative Justice (2007), restorative conferencing is a structured approach that involves youth, their families and support networks, victims, law enforcement, and other community members in resolving conflicts that arise as a result of youth-perpetrated crime. I realized that rather than punishment, the focus of the restorative conference is on putting things right, on victim's needs, support, and offender accountability.

Howard Zehr (2002), the godfather of restorative justice, wrote, "Restorative Justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible" (p. 37). Rather than focusing on punishing the guilty party, I learned that restorative justice emphasizes repairing the harm caused by criminal behavior. According to *Restorative Justice* (2007), this approach is best accomplished through cooperative processes that include all stakeholders. Restorative processes respond to crime by identifying and taking steps to repair harm, involving all stakeholders, and transforming the traditional relationship between communities and their governments in responding to crime. No longer could I rely solely on a judge to administer cookie-cutter sentences on juveniles far too immature to recognize the long-term consequences of their actions.

I realized that restorative conferences are primarily a diversion program and target juvenile offenders who are at risk of involvement in the juvenile justice system. However, I learned that the program is not open to all juveniles who commit crimes. Juveniles with pending or convicted criminal charges are not eligible to participate. Juvenile offenders who have committed misdemeanors are eligible to participate, but those who have committed more serious offenses are not currently eligible. The most telling aspect of the program is that the juvenile offender must admit to the charges against him/her in order to participate in a restorative conference.

I have observed multiple agencies participate in working with juvenile offenders, both in and out of the restorative justice program. Social Advocates for Youth, Drug Abuse Alternatives Center, Boys & Girls Clubs, and prevention programs like GREAT and DARE have all achieved success in working with juveniles. However, in my experience, none of the above-referenced organizations or programs concentrates on restoration. Instead, these organizations believe that in order to be successful, every youth needs opportunities, positive encouragement and guidance from adults. Although these are admirable goals, they diminish the value of what victims have suffered, and they ignore the juvenile's responsibility for restitution.

I now have extensive experience in the restorative justice program, having participated in dozens of conferences. Restorative conferences can be initiated by the police or sheriff's department, probation department, the court, or schools. In addition, community-based organizations can refer youth to a restorative justice conference. After a youth has been referred, a facilitator sends notification letters to the youth, family, and to the victim(s). The facilitator then sets up meetings with the youth and family to discuss what will happen at a restorative conference, develop a list of support for that youth, and discuss the level of participation and rights in the process. Facilitators also meet with the victim(s) to determine what level of participation the victim(s) want to have in the process. Additionally, the facilitator meets with law enforcement in preparation for the conference. My total involvement in the conference process lasts less than one hour ~ an excellent investment given the positive outcome.

After all interested parties have been contacted and initial meetings have been held, program staff invites everyone to a restorative conference. Restorative conferences are an opportunity to bring together the young person who has offended with family members and other supporters, the victim(s), and other community members. The facilitator staff, who is trained in the restorative justice approach, oversee the conference. Law enforcement officers also participate in the conference. At the restorative conference, everyone has the opportunity to discuss the harm, impact, and underlying reasons that led to the crime and to participate in the development of a plan for the youth who offended. During the conference, the juvenile offender presents the plan to the victim, police, and community. Every plan is unique and tailored to the juvenile and the offense that was committed. The purpose of the plan is to repair the damage that has been done rather than to penalize the youth for the actions committed. After the restorative conference, program staff monitors the youths' progress on completing action plans.

The plans or tasks created include, but are not limited to, writing letters of apology to the victims and/or the police officer involved in the investigation, paying restitution, repairing damage, focusing on school grades, or performing community service (such as washing police cars). In my case in Sonoma, the juvenile agreed to repaint the mortuary walls, using his own money and labor. Such a task gives the juvenile a sense of responsibility and pride. In addition, the juvenile is faced with the consequences of his criminal actions in a tangible setting.

In some cases, subsequent restorative conferences have been held if the youth is slipping on certain tasks in the plans, adult support is not following through, or minor

adjustments need to be made to the plan with the input from the victims, law enforcement, and the youth. A youth's participation in the restorative conference program generally lasts between three and six months, depending on how long it takes to complete the restitution plan.

Before my restoration conference with the juvenile vandal had been scheduled, a facilitator contacted me, and we thoroughly discussed the incident. The facilitator asked me to calculate the impact of the juvenile's behavior to the City of Sonoma. I was stunned at the question because I had never reflected on the community impact before this case. I realized that rarely does the criminal justice system take into account the police officer's time in investigating and documenting the specific criminal case. I understood that had the juvenile not committed the crime, I would have been available to the community at large to seek out other criminal behavior. This calculation, not done in dollars and cents, is priceless.

During the conference, I was an active participant in the entire process. I provided the group with a summary of the criminal activity and the impact that the juvenile's behavior had had on the police department and the community at large. I was able to speak directly to the juvenile and his parents in a non-threatening, safe environment. In *Restorative Justice* (2007), research shows that it is an effective and satisfying approach to heal the harm done by the offender, give the victim a voice in the outcome, prevent the juvenile from re-offending, involve families in the decision-making process, and support communities to work together. I appreciated the fact that, in restorative justice, if there is no agreement or if the juvenile fails to complete the plan, the case is sent back to the arresting or referring agency. When a case returns to my attention, I have the opportunity to file the original charges with the district attorney's office.

After my initial experience with a restorative conference, I came away believing the program has many benefits. Restorative conferencing provided a safe environment for all involved to talk about the harm done, reasons for the offending, ways to resolve the situation, and ways to prevent repeat offending. In my experience, such an environment does not exist in a juvenile court system that is overcrowded with criminal cases, time constraints, and restrictive criminal law procedures.

I appreciated the concept that offers victims the right to participate in the process if they choose. In contrast, despite providing testimony or a victim statement, victims in

the juvenile court system rarely have the opportunity to participate in the criminal process. Many juvenile charges are pled down for expediency, thus circumventing the only avenue available for victims to be heard.

The owner of the mortuary was satisfied with his opportunity to confront the juvenile with the financial and emotional damage caused by the graffiti. The owner walked away knowing his concerns were acknowledged and his mortuary would be returned to its former condition. I was impressed with how eagerly my juvenile offender engaged in creative, positive, and workable solutions. With the restorative justice system, juveniles have the opportunity to come up with achievable plans instead of relying on boilerplate probation terms that invariably set up juveniles to fail and re-offend. In my case, the juvenile jumped at the opportunity to re-paint the mortuary and make the owner whole again.

I was genuinely amazed at the improved family and extended family interactions during this process. I have encountered numerous juveniles who flaunt their disrespect of their parents, yet during the restorative conference, the juvenile was respectful and engaging and he participated in a substantive dialog with his parents. Although I could not measure the potential for my juvenile offender to re-offend, I have now participated in dozens of restorative conferences, and none of my juvenile offenders has re-offended. A zero percent recidivism rate in juvenile criminal justice is unheard of in our society.

After I participated in the first restorative justice event, I was thoroughly impressed and convinced of its potential success. I noted that the plan the young offender had to follow was far more thorough than any probation or jail time he would have received. In retrospect, I believe the juvenile justice system has been part of a larger problem wherein juvenile offenders are coddled and not properly held accountable for their actions. The juvenile justice system is wholly ineffective in dealing with issues of violent crime and repeat offenders. The problems within the juvenile justice system are endless. Young juvenile offenders, the number of children housed in secure detention for probation/parole violations, legal representation of juveniles, disproportionate minority representation, mental health needs of juvenile offenders, number of children in secure detention, access to services for juveniles in rural areas, truancy, and sex offenders, are but a few issues swirling around the juvenile justice system.

After working six years with the Sonoma Police Department, I transitioned to the Cloverdale Police Department and found a fledgling restorative justice system waiting to

transform into a robust program. I utilized my prior experiences to build up the program, gaining support from the Chief of Police and my fellow officers. I continued cultivating an extraordinary relationship with Restorative Resources.

During my seven years in Cloverdale, I have continued to participate in numerous restorative justice conferences. Two conferences in particular stand out as both memorable and successful. Recently, my partner and I responded to one of Cloverdale's neighborhood parks for a report of a "man with a gun." According to eyewitness reports, an "adult male subject" was "brandishing" a large silver handgun at a group of children on the playground. My officer safety thought process was in full gear and my heightened senses were ready for any situation. Upon my arrival, I noticed the park was relatively calm, given the urgent nature of the call for service.

Several adults frantically pointed toward the sandbox area where I saw two children playing. One female adult exclaimed, "He's got a gun!" Approaching with extreme caution with my firearm drawn and held down to my side, I contacted a thirteen-year-old boy, later identified as "Jake," playing in the sandbox with his younger brother, named "Josh." The names have been changed to protect each child's identity.

I asked Jake whether he was in possession of a handgun. Before Jake could answer, Josh blurted, "My brother shot me!" Jake immediately began to cry and admitted shooting his brother with a pellet gun. I asked Jake to show me where he had the gun hidden. Jake had buried the weapon in the sandbox. I uncovered a loaded CO2 Air-soft pellet gun. The pellet gun was metallic and resembled a Smith & Wesson semi-automatic 9mm firearm. The pellet gun had no markings distinguishing it as an imitation firearm, as required by state law.

Jake explained he had become angry with his younger brother and had started shooting the pellets at Josh. One of the pellets hit Josh just under his right eye, causing a small contusion and moderate swelling. I requested an ambulance respond to check out Josh's eye. I arrested Jake for discharge of a firearm within the city limits and possession of an imitation firearm without proper markings. I researched Jake's background and learned he had never been in trouble with law enforcement. I learned that Jake earned average grades in school and that his father was away from the home regularly due to his career, leaving Jake's mom to raise four rambunctious boys. Jake had received the pellet gun as a birthday present from his parents and had been given strict instructions not to remove the gun from the house unless in the presence of his father. I felt Jake was a perfect candidate for a restorative justice conference.

During the restorative justice conference, I was able to talk with Jake about the consequences of his actions, from the injury to his younger brother to the potential police reactions had Jake been holding and pointing the weapon when I arrived. Josh's doctor spoke and demonstrated how close Josh had come to losing his eye. Several neighborhood park residents participated and expressed the fear they each felt as they saw "a man with a gun" near children playing in the park. The impact on Jake was nothing short of phenomenal.

Jake's restorative justice program included taking a youth firearm safety course, writing a formal apology to the police department, and writing a letter to the editor to be published in the local newspaper. Three years later, Jake is now a productive member of the high school, excelling in school and participating in extra-curricular activities.

My next restorative justice conference brought to light an issue I had not previously encountered. Approximately six months ago, I arrested a fifteen year old male, later identified as "Nicholas" (not his real name), who had trespassed on a construction site and helped himself to lumber, tools, nails, and particle board. In addition to collecting scraps near the site, Nicholas removed several pieces of wood from the existing structure. Nicholas used the construction materials to construct an elaborate skateboard jump ramp. Nicholas permanently damaged the wood by cutting pieces, assembling the skateboard structure, and spray-painting the contraption with obscenities and designs. Unfortunately, Nicholas had not had permission from the owners of the construction site to remove the materials. The owner of the property called the police, and when I arrived, I observed Nicholas' in-progress crime. Nicholas caused in excess of \$1,200 in property damage.

Nicholas' background was similar to that of Jake. Nicholas earned average grades and did not get in trouble with the police. Nicholas' mom was a single parent. I found another child eligible for a restorative justice conference.

I learned the hard way that both the youthful offender AND his parents need to buy into the philosophy for the process to work successfully. In this instance, Nicholas exuded full enthusiastic participation, yet his mother minimized her son's responsibility, ridiculed the victim's feelings and financial loss, and downplayed the importance of her son's need to provide restitution for the victim's loss. The victim's anger toward Nicholas' mother was palpable. Despite Nicholas' mother's resistance to the program, Nicholas came up with several strong ideas for his restitution program, including

volunteering once a week to work on the construction site, cleaning up scraps and debris, and paying \$25 per month toward the outstanding bill for material replacement. Unfortunately, Nicholas' mother never changed her way of thinking, fighting the process the entire time. The parent's actions fueled a frustration that needn't have developed.

Victims of juvenile crimes have come up to me after a restorative justice session and said that what was most meaningful for the victim was getting to tell their respective story and their unique experience to the young offender directly. Victims expressed feeling involved in a healing process rather than a process that was merely punitive.

The restorative conferencing program aims to support offending youths, their families, and victims to develop plans to repair the harm that has been done to victims and to the community as a whole. I have received verbal and written confirmation that both youth and victims think highly of the process and the program. Based upon my experiences, juveniles who participate in the process are less likely to re-offend, and they experience other positive outcomes, such as increased self-esteem, increased interest in school and extra-curricular activities, and a more positive outlook overall. The program has been effective in preventing juveniles from becoming involved with the juvenile justice system. Youths leave the program with a better understanding of the harm they have done and the impact of their actions on victims and the community at large.

Slowly, the juvenile courts, and the justices who preside over the proceedings, have grasped the understanding that youthful offenders need to be handled differently than adults. Judges have begun to embrace the restorative justice philosophy. The juvenile justice system has evolved over the years based on the premise that juveniles are different from adults, and juveniles who commit criminal acts generally should be treated differently than adults. Separate courts, detention facilities, rules, procedures, and laws were created for juveniles with the intent to protect their welfare and rehabilitate them while protecting public safety. These changes have been instrumental in changing the ways juveniles are prosecuted, rehabilitated, and blended back into society.

I feel fortunate to have participated on the ground floor of an alternative justice program nine years ago. I have since participated in countless restorative conferences, each with positive results. I believe in the program. I learned from the program, and I grew as a police officer. I have used the restorative justice philosophy pro-actively in many instances where I have observed juveniles starting down the path of criminal

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behavior. I have spoken to students at school assemblies, in classrooms, and on the street. I have intervened with juveniles who hang out with other juvenile offenders before they could be sucked into making wrong decisions. My prior focus of just making the arrest and moving on has dissipated. I am now a well-rounded police officer and supervisor because of the restorative justice program.

I still have much to learn about the dynamics of the juvenile offender pandemic, but as the restorative conference program gains acceptance throughout the country, I believe the juvenile recidivism rate will decrease dramatically.

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